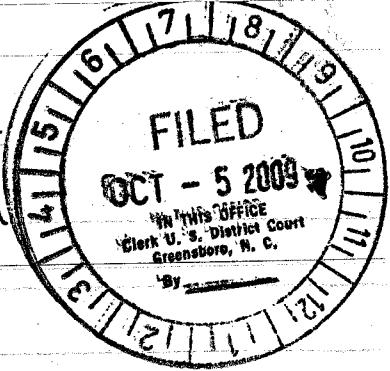


In the United States District Court  
Middle District of North Carolina



United States of America

vs.

Pete Smith

Case No: 2:93 CR-117-1

Objection

Now comes, Pete Smith, through pro-se request due process by terminated Supervise Probation and by consider "Application Notes".

Argument

Pursuant 18§ 3583(e)(1) of the United States codes, if defendant have one year clean conduct, Defendant can petition the court to early terminate of Supervise Probation, On Jan. 13, 2009 defendant did filed 3583(e)(1) motion at the maximum of three years and two months.

If the court denied defendant early terminate - Supervise Probation will be denied defendant due process.

Relief, defendant request the court terminated - Supervise Probation for filing in a time matter pursuant to the 5th Amendment of U.S. Constitution.

Consider Application Notes (B)

Can applied Application note (B) of New 7th Amendment. Time already served, the court may consider early terminate Supervise Probation under 18§ 3583(e)(1).

Law favor Defendant

Retroactivity crack Amendment 706

Under 1B11a sentencing guideline "Application Notes"

(B) Modification Relating to Early Termination: If the prohibition in subsection (b)(2)(c) relating to time already served precludes a reduction in the term of imprisonment to the extent the court determines otherwise, would have been appropriate as a result of the amended guideline range determined under subsection (b)(1), the court may consider any such reduction that it was unable to grant in connection with any motion for early termination of a term of Supervised release under 18 U.S.C. § 3583(e)(1).

However, the fact that a defendant may have served a longer term of imprisonment than the court determines would have been appropriate in view of the amended guideline range determined under subsection (b)(1) shall not, without more, provide a basis for early termination of Supervised release.

Rather, the court should take into account the totality of circumstances relevant to a decision to terminate Supervise release including the term of Supervised release that would have been appropriate in connection with a sentence under the amended guideline range determined under subsection (b)(1).

Relief, defendant request the court terminate early Supervise Probation and consider application note (B) pursuant to the 5th Amendment of Constitution.

From: Pete Smith #15020-057

P.O. Box 2419

To: Hon. Judge Osteen Jr. Raleigh N.C. 27602

10-2-09

RE: 18§ 3583(e)(1) Motion

Filed Jan. 13, 2009

Dear Osteen Jr.

Sorry about the tragedy death of your Father, Just recent heard few days ago.

I would appreciate if you would review my Motion I filed Jan. 13, 2009 and attached objections. My issue to early terminate supervise probation.

According to 18§ 3583(e)(1) after one year defendant can request the court consider terminate early supervise probation, if defendant have one year clean conducts.

Defendant filed his Motion around three - year mark of clean conducts.

Therefore, I would appreciate if you could consider terminate early supervise probation.

From 18§ 3583(e)(1).

Sincerely

Pete